

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTO CAPELES,

Defendant.

Case No. 16-CR-87-5-JPS

**ORDER**

On June 7, 2016, the government filed a one-count Indictment against the defendant charging him with conspiracy to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846; and 18 U.S.C. § 2. (Docket #1). On May 10, 2017, the government filed a one-count Information against the defendant, charging him with conspiracy to distribute heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846; and 18 U.S.C. § 2. (Docket #289). On May 10, 2017, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to the Information. (Docket #294 at 1-3).

The parties appeared before Magistrate Judge David E. Jones on June 13, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #344). The defendant entered a plea of guilty as to the Information. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Jones determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #344 and #349).

Thereafter, Magistrate Jones filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted;

(2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #349). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

The Court has considered Magistrate Jones' recommendation and, having received no objection thereto, will adopt it.

Accordingly,

**IT IS ORDERED** that Magistrate Judge David E. Jones' report and recommendation (Docket #349) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 5th day of July, 2017.

BY THE COURT:



J.P. Stadtmueller  
U.S. District Judge

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a solid horizontal line. Below the signature, the name "J.P. Stadtmueller" is printed in a smaller, sans-serif font, followed by "U.S. District Judge" in an even smaller font.